# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/623,010 | 07/18/2003 | Daniel Plastina | MS#303012.1 (5055) | 4615 |

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| EXAMINER |
|---|
| VUU, HENRY |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2179 | |

DATE MAILED: 11/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

| | Application No. | Applicant(s) |
|---|---|---|
| | 10/623,010 | PLASTINA ET AL. |
| **Office Action Summary** | Examiner | Art Unit | |
| | Henry Vuu | 2179 | |

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *18 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 July 2003* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *7/18/2003*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: data section 406, category nodes 408, property node 410, indexing section 412, and property node 414. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 5, 8 – 11, 14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Chasen et al. (Patent No. 6,760,721).

As to independent claim 1, Chasen et al. teaches:

A method for displaying metadata (see e.g., col. 1, lines 40 – 42; i.e., organizing metadata located in a database for presentation on a display to a user) of a media file (see e.g., col. 3, lines 11 – 13; i.e., the media file corresponds to audio metadata) being stored in a memory (see e.g., col. 1, lines 52 – 53); the memory corresponds to a database of a computing device), said media file (see e.g., col. 3, lines 11 – 13; i.e., the media file corresponds to audio metadata) having a first metadata field (see e.g., Fig. 1; i.e., the first metadata field corresponds to "Master Library" of the audio file) including first property data (see e.g., Fig. 1; i.e., the first property data corresponds to "Artist", "Album", "Genre", "Genre/Artist", and "All Tracks" of the audio file), and having a second metadata field (see e.g., Fig. 1; i.e., the second metadata field corresponds to "Playlists" of the audio file) including second property data (see e.g., Fig. 1; i.e., the second property data corresponds to "New Playlist", "Favorites", and "Study Music" of the audio file), each property data (see e.g., Fig. 1; i.e., the set of property data associated with the audio file corresponds to "Master Library" and "Playlists") defining a property of the media file (see e.g., col. 5, lines 20 – 43; i.e., audio program display 110 includes a tree window 120 that is used to display a groupings tree 124 and playlist tree 126 associated with the audio file), respectively, comprising: identifying a first property category (see

e.g., Fig. 1; i.e., the first property category corresponds to "Artist") from the first

metadata field (see e.g., Fig.1; first metadata field corresponds to "Master Library" of the

audio file) of the media file (see e.g., col. 3, lines 11 – 13; i.e., the media file

corresponds to audio metadata); parsing (see e.g., Fig. 1 and col. 8, lines 39 – 41; i.e.,

parsing the first property data corresponds to GUI 220 allowing a user to expand a

subtree of the master tree 122 in order to view subtree children) the first property data

(see e.g., Fig. 1; i.e., the first property data corresponds to "Artist", "Album", "Genre",

"Genre/Artist", and "All Tracks" after a user has expanded "Master Library") included in

the first metadata field (see e.g., Fig. 1; i.e., the first metadata field corresponds to

"Master Library" of the audio file) to identify (see e.g., col. 8, lines 54 – 67 and col. 9,

lines 1 – 6; i.e., identifying corresponds to a user expanding the "Artist" subtree under

the "Master Library", wherein after expanding the "Artist" subtree, Debussy, Mozart, and

Rachmaninoff will be displayed) a first property (see e.g., col. 9, lines 54 – 67 and col. 9,

lines 1 – 6; i.e., the first property corresponds to Debussy, Mozart, and Rachmaninoff,

wherein Debussy, Mozart, and Rachmaninoff can be a first property) and a second

property (see e.g., col. 9, lines 54 – 67 and col. 9, lines 1 – 6; i.e., the first property

corresponds to Debussy, Mozart, and Rachmaninoff, wherein Debussy, Mozart, and

Rachmaninoff can be a second property) defined by the first property data (see e.g.,

Fig. 1; i.e., the first property data corresponds to "Artist", "Album", "Genre",

"Genre/Artist", and "All Tracks" of the audio file, wherein "Artist" is associated with the

first property data); and displaying (audio player program display 110 – see e.g., audio

player program display 110 is used to display master tree 122, grouping tree 124,

playlist tree 126, and subtree children) the identified first property category (see e.g.,

Fig. 1; i.e., the first property category corresponds to "Artist"), the identified first property

(see e.g., col. 9, lines 54 – 67 and col. 9, lines 1 – 6; i.e., the first property corresponds

to Debussy, Mozart, and Rachmaninoff, wherein Debussy, Mozart, and Rachmaninoff

can be a first property), and the identified second property (see e.g., col. 9, lines 54 – 67

and col. 9, lines 1 – 6; i.e., the second property corresponds to Debussy, Mozart, and

Rachmaninoff, wherein Debussy, Mozart, and Rachmaninoff can be a second property)

in hierarchically organized levels (see e.g., Fig. 1 and col. 1, lines 39 – 50; i.e.,

arranging the metadata query results in a hierarchical representation of the metadata)

via a graphical user interface (audio player program display 110 – see e.g., Fig. 1),

wherein the identified property category (see e.g., Fig. 1; i.e., the identified property

category corresponds to the first property category "Artist") is displayed as a first level

(see e.g., Fig.1; i.e., "Artist", "Album", "Genre", "Genre/Artist", and "All Tracks"

corresponds to the first level) of the hierarchically organized levels (tree window 120 –

see e.g., Fig.1), and wherein the identified first property (see e.g., col. 9, lines 54 – 67

and col. 9, lines 1 – 6; i.e., the first property corresponds to Debussy, Mozart, and

Rachmaninoff, wherein Debussy, Mozart, and Rachmaninoff can be a first property) and

the identified second property (see e.g., col. 9, lines 54 – 67 and col. 9, lines 1 – 6; i.e.,

the second property corresponds to Debussy, Mozart, and Rachmaninoff, wherein

Debussy, Mozart, and Rachmaninoff can be a second property) are displayed as a

second level (see e.g., col. 8, lines 39 – 41; i.e., "Artist" subtree can be expanded to

display subtree children, such as Debussy, Mozart, and Rachmaninoff) of the

hierarchically organized levels (tree window 120 – see e.g., Fig.1).

As to dependent claim 2, Chasen et al. teaches:

The method of claim 1, wherein the identified first property category (see e.g., Fig. 1;

i.e., the first property category corresponds to "Artist") identifies a genre category, album

category, or an artist category (see e.g., Fig. 1; i.e., tree window 120 shows "Artist"

category, "Album" category, and "Genre" category).

As to dependent claim 3, Chasen et al. teaches:

The method of claim 1, wherein the identified first property (see e.g., col. 9, lines 54 –

67 and col. 9, lines 1 – 6; i.e., the first property corresponds to Debussy, Mozart, and

Rachmaninoff, wherein Debussy, Mozart, and Rachmaninoff can be a first property) and

the identified second property (see e.g., col. 9, lines 54 – 67 and col. 9, lines 1 – 6; i.e.,

the second property corresponds to Debussy, Mozart, and Rachmaninoff, wherein

Debussy, Mozart, and Rachmaninoff can be a second property) each identify a genre

property, an album property, or an artist property (table window 130 – see e.g., Fig. 1;

i.e., table window 130 includes a node table 132 displays information about the node

that is selected in tree window 120, wherein table window 130 identifies "Artist"

property, "Album" property, and "Genre" property of corresponding nodes).

As to dependent claim 4, Chasen et al. teaches:

The method of claim 1, wherein parsing property data (see e.g., Fig. 1 and col. 8, lines

39 – 41; i.e., parsing the first property data corresponds to GUI 220 allowing a user to

expand a subtree of the master tree 122 in order to view subtree children) includes

parsing property data to identify a property delimiter (see e.g., col. 16, lines 23 – 28; i.e., the property delimiter corresponds to marking a node with a DIRTY or CLEAN status), and wherein the property delimiter separates the identified first property from the identified second property (see e.g., col. 16, lines 1 – 22; i.e., if any data in the node has changed, the node is set to a DIRTY or CLEAN state, wherein the changes are recursively propagated to the sub-nodes).

As to dependent claim 5, Chasen et al. teaches:

The method of claim 1 further including modifying property data (see e.g., col. 3, lines 52 – 58; i.e., the user is able to modify metadata in master tree 122) included in the metadata field (see e.g., Fig. 1; i.e., the first metadata field corresponds to "Master Library" of the audio file) of the media file (see e.g., col. 3, lines 11 – 13; i.e., the media file corresponds to audio metadata) to modify the identified property category (see e.g., col. 4, lines 65 – 67 and col. 5, lines 1 – 6; i.e., the property category "Genre" corresponds to the identified property category), the first identified property, or the second identified property (see e.g., col. 4, lines 65 – 67 and col. 5, lines 1 – 6; i.e., the user is able to modify or rename the genre grouping from "POP" to "Rock" or other subsequent genre groupings) being displayed in the hierarchically organized levels (see e.g., Fig.1).

As to independent claim 8, claim 8 differs from claim 1 only in that claim 8 is an apparatus claim using a computer-readable medium (see e.g., col. 6, lines 22 – 48) containing executable instructions (software instructions – see e.g., col. 6, lines 31 – 48) that when executed causes a processor (col. 6, lines 63 – 67, and col. 7, lines 1 – 7) to

perform the steps of claim 1. Thus, claim 8 is analyzed as previously discussed with respect to claim 1 above.

As to dependent claim 9, claim 9 differs from claim 2 only in that claim 9 is an apparatus claim using a computer-readable medium (see e.g., col. 6, lines 22 – 48) containing executable instructions (software instructions – see e.g., col. 6, lines 31 – 48) that when executed causes a processor (col. 6, lines 63 – 67, and col. 7, lines 1 – 7) to perform the steps of claim 2. Thus, claim 9 is analyzed as previously discussed with respect to claim 2 above.

As to dependent claim 10, claim 10 differs from claim 3 only in that claim 10 is an apparatus claim using a computer-readable medium (see e.g., col. 6, lines 22 – 48) containing executable instructions (software instructions – see e.g., col. 6, lines 31 – 48) that when executed causes a processor (col. 6, lines 63 – 67, and col. 7, lines 1 – 7) to perform the steps of claim 3. Thus, claim 10 is analyzed as previously discussed with respect to claim 3 above.

As to dependent claim 11, claim 11 differs from claim 4 only in that claim 11 is an apparatus claim using a computer-readable medium (see e.g., col. 6, lines 22 – 48) containing executable instructions (software instructions – see e.g., col. 6, lines 31 – 48) that when executed causes a processor (col. 6, lines 63 – 67, and col. 7, lines 1 – 7) to perform the steps of claim 4. Thus, claim 11 is analyzed as previously discussed with respect to claim 4 above.

As to independent claim 14, Chasen et al teaches:

In a computer system (user computer – see e.g., col. 6, lines 49 – 62) having a

graphical user interface (graphical user interface – see e.g., col. 3, lines 43 – 58)

including a display (see e.g., col. 8, lines 6 – 13) and a user interface selection device

(see e.g., col. 8, lines 6 – 13), a method of displaying metadata  (see e.g., col. 1, lines

40 – 42; i.e., organizing metadata located in a database for presentation on a display to

a user) of a selected media file (see e.g., col. 3, lines 11 – 13; i.e., the media file

corresponds to audio metadata) being stored in a memory (see e.g., col. 1, lines 52 –

53) on the display, wherein the media file is selected by a user (see e.g., col. 5, lines 44

– 51) via the interface selection device (see e.g., col. 8, lines 6 – 13) from one or more

media files being stored in a media library (media library – see e.g., Fig. 1), said media

file having a first metadata field (see e.g., Fig. 1; i.e., the first metadata field

corresponds to "Master Library" of the audio file) including first property data (see e.g.,

Fig. 1; i.e., the first property data corresponds to "Artist", "Album", "Genre",

"Genre/Artist", and "All Tracks" of the audio file), and having a second metadata field

(see e.g., Fig. 1; i.e., the second metadata field corresponds to "Playlists" of the audio

file) including second property data (see e.g., Fig. 1; i.e., the second property data

corresponds to "New Playlist", "Favorites", and "Study Music" of the audio file), each

property data defining a property of the media file (see e.g., Fig. 1; i.e., the properties

"Artist", "Genre", "Album", "New Playlist", "Favorites", and "Study Music" define the

properties of the media file), respectively, comprising identifying a first property category

(see e.g., Fig. 1; i.e., the first property category corresponds to "Artist") from the first

metadata field (see e.g., Fig. 1; i.e., the first metadata field corresponds to "Master

Library" of the audio file) of the media file (see e.g., col. 3, lines 11 – 13; i.e., the media

file corresponds to audio metadata); parsing (see e.g., Fig. 1 and col. 8, lines 39 – 41;

i.e., parsing the first property data corresponds to GUI 220 allowing a user to expand a

subtree of the master tree 122 in order to view subtree children) the first property data

(see e.g., Fig. 1; i.e., the first property data corresponds to "Artist", "Album", "Genre",

"Genre/Artist", and "All Tracks" after a user has expanded "Master Library") included in

the first metadata field (see e.g., Fig. 1; i.e., the first metadata field corresponds to

"Master Library" of the audio file) to identify (see e.g., col. 8, lines 54 – 67 and col. 9,

lines 1 – 6; i.e., identifying corresponds to a user expanding the "Artist" subtree under

the "Master Library", wherein after expanding the "Artist" subtree, Debussy, Mozart, and

Rachmaninoff will be displayed) a first property (see e.g., col. 9, lines 54 – 67 and col. 9,

lines 1 – 6; i.e., the first property corresponds to Debussy, Mozart, and Rachmaninoff,

wherein Debussy, Mozart, and Rachmaninoff can be a first property) and a second

property (see e.g., col. 9, lines 54 – 67 and col. 9, lines 1 – 6; i.e., the first property

corresponds to Debussy, Mozart, and Rachmaninoff, wherein Debussy, Mozart, and

Rachmaninoff can be a second property) defined by the first property data (see e.g.,

Fig. 1; i.e., the first property data corresponds to "Artist", "Album", "Genre",

"Genre/Artist", and "All Tracks" of the audio file, wherein "Artist" is associated with the

first property data); and displaying (audio player program display 110 – see e.g., audio

player program display 110 is used to display master tree 122, grouping tree 124,

playlist tree 126, and subtree children) the identified first property category (see e.g.,

Fig. 1; i.e., the first property category corresponds to "Artist"), the identified first property

(see e.g., col. 9, lines 54 – 67 and col. 9, lines 1 – 6; i.e., the first property corresponds

to Debussy, Mozart, and Rachmaninoff, wherein Debussy, Mozart, and Rachmaninoff

can be a first property), and the identified second property (see e.g., col. 9, lines 54 – 67

and col. 9, lines 1 – 6; i.e., the second property corresponds to Debussy, Mozart, and

Rachmaninoff, wherein Debussy, Mozart, and Rachmaninoff can be a second property)

in hierarchically organized levels (see e.g., Fig. 1 and col. 1, lines 39 – 50; i.e.,

arranging the metadata query results in a hierarchical representation of the metadata)

via a graphical user interface (audio player program display 110 – see e.g., Fig. 1),

wherein the identified property category (see e.g., Fig. 1; i.e., the identified property

category corresponds to the first property category "Artist") is displayed as a first level

(see e.g., Fig.1; i.e., "Artist", "Album", "Genre", "Genre/Artist", and "All Tracks"

corresponds to the first level) of the hierarchically organized levels (tree window 120 –

see e.g., Fig.1), and wherein the identified first property (see e.g., col. 9, lines 54 – 67

and col. 9, lines 1 – 6; i.e., the first property corresponds to Debussy, Mozart, and

Rachmaninoff, wherein Debussy, Mozart, and Rachmaninoff can be a first property) and

the identified second property (see e.g., col. 9, lines 54 – 67 and col. 9, lines 1 – 6; i.e.,

the second property corresponds to Debussy, Mozart, and Rachmaninoff, wherein

Debussy, Mozart, and Rachmaninoff can be a second property) are displayed as a

second level (see e.g., col. 8, lines 39 – 41; i.e., "Artist" subtree can be expanded to

display subtree children, such as Debussy, Mozart, and Rachmaninoff) of the

hierarchically organized levels (tree window 120 – see e.g., Fig.1).

As to independent claim 15:

Claim 15 incorporates substantially similar subject matter as claimed in claim 11, and

are respectfully rejected along the same rationale.


### Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 7, 12, 13, and 16 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Chasen et al. (Patent No. 6,760,721) in view of Dwek et al. (Patent

No. 6,248,946).

As for dependent claim 6, this claim is analyzed with respect to claim 1 as

previously discussed above. Chasen et al. teaches identifying a second property

category (see e.g., Fig.1; i.e., the second property category corresponds to "New

Playlist") from the second metadata field (see e.g., Fig. 1; i.e., the second metadata field

corresponds to "Playlists" of the audio file) of the media file (see e.g., col. 3, lines 11 –

13; i.e., the media file corresponds to audio metadata), wherein the second property

category (see e.g., Fig.1; i.e., the second property category corresponds to "New

Playlist") is different (see e.g., Fig. 1; i.e., the first property category corresponds to

"Artist", and the second property category corresponds to "New Playlist", wherein both

categories are different due to different metadata files) from the identified first property

category (see e.g., Fig. 1; i.e., the first property category corresponds to "Artist").

Chasen et al. further teaches parsing (see e.g., Fig. 1 and col. 8, lines 39 – 41; i.e.,

parsing the first property data corresponds to GUI 220 allowing a user to expand a

subtree of the master tree 122 in order to view subtree children) the second property

data (see e.g., Fig. 1; i.e., the second property data corresponds to "New Playlist",

"Favorites", and "Study Music", wherein the user is able to expand the second property

data to view subtree children, such as "New Playlist", "Favorites", and "Study Music")

included in the second metadata field (see e.g., Fig. 1; i.e., "New Playlist", "Favorites",

and "Study Music" are associated with "Playlist", which corresponds to the second

metadata field) and displaying a third level of the hierarchically organized levels (tree

window 120 – see e.g., Fig.1), but does not teach identifying a different first property

different than the first property and a different second property different than the second

property, and wherein displaying includes displaying the different first property or the

different second property in a third level of the hierarchically organized levels. Dwek et

al. teaches identifying a different first property different than the first property (see e.g.,

Fig. 3A and col. 7, lines 32 – 43; i.e., the "CD" node corresponds to the first property

listed under "Genre" of the first metadata category, wherein the "CD" node listed under

the metadata category is different from the first) and a different second property

different than the second property (see e.g., Fig. 3A and col. 7, lines 32 – 43; i.e., the

second property "Song" in the first "Genre" is different from the second property "Song"

on the second "Genre"), wherein displaying includes displaying the different first

property or the different second property in a third level of the hierarchically organized

levels (see e.g., Fig.1). Therefore, it would have been obvious to one of ordinary skill in

the art at the time the invention was made to incorporate identifying a second property

category from the second metadata field of the media file, wherein the second property

category is different from the identified first property category, and parsing the fields of

Chasen et al. with identifying a different first property different than the first property and

a different second property different than the second property wherein displaying

includes displaying the different first property or the different second property in a third

level of the hierarchically organized levels of Dwek et al. because the hierarchical

organization of Dwek et al. allows a list of subgenres to further organize or limit the main

genre node (see e.g., col. 7, lines 32 – 43).

As to dependent claim 7, this claim is analyzed with respect to claim 1 as

previously discussed above. Chasen et al. teaches a second property category (see

e.g., Fig.1; i.e., the second property category corresponds to "New Playlist") associated

with a second metadata field (see e.g., Fig. 1; i.e., the second metadata field

corresponds to "Playlists" of the audio file) of a media file (see e.g., col. 3, lines 11 – 13;

i.e., the media file corresponds to audio metadata), but does note teach the identified

second property category identifying a genre category, album category, or an artist

category. Dwek et al teaches a second property category (see e.g., Fig. 3A; i.e., the

seconf property category corresponds to a second "Genre" node listed in database

display subpane 354) that identifies a genre category, album category, or an artist

category (see e.g., Fig. 3A; genre category, artist category, and song category).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate the second property category associated with a

second metadata field of a media file of Chasen et al. with the second property category

identifying a genre category, album category, or an artist category of Dwek et al.

because the hierarchical organization of Dwek et al. because the hierarchical

organization of Dwek et al. allows a list of subgenres to further organize or limit the main

genre node (see e.g., col. 7, lines 32 – 43).

As to dependent claim 12, claim 12 differs from claim 6 only in that claim 12 is an

apparatus claim using a computer-readable medium (see e.g., col. 6, lines 22 – 48)

containing executable instructions (software instructions – see e.g., col. 6, lines 31 – 48)

that when executed causes a processor (col. 6, lines 63 – 67, and col. 7, lines 1 – 7) to

perform the steps of claim 6. Thus, claim 12 is analyzed as previously discussed with

respect to claim 6 above.

As to dependent claim 13, claim 13 differs from claim 7 only in that claim 13 is an

apparatus claim using a computer-readable medium (see e.g., col. 6, lines 22 – 48)

containing executable instructions (software instructions – see e.g., col. 6, lines 31 – 48)

that when executed causes a processor (col. 6, lines 63 – 67, and col. 7, lines 1 – 7) to

perform the steps of claim 7. Thus, claim 13 is analyzed as previously discussed with

respect to claim 7 above.

As to dependent claim 16, claim 16 differs from claim 6 only in that claim 16 is an

apparatus claim using a computer-readable medium (see e.g., col. 6, lines 22 – 48)

containing executable instructions (software instructions – see e.g., col. 6, lines 31 – 48)

that when executed causes a processor (col. 6, lines 63 – 67, and col. 7, lines 1 – 7) to

perform the steps of claim 6. Thus, claim 16 is analyzed as previously discussed with

respect to claim 6 above.

## *Conclusion*

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Prior art Patent No. 7,113,454 can be made applicable and

pertinent to applicant's disclosure. Prior art disclosed by Matsuoka et al. teaches a file

structure used to categorize music files into genres, wherein the structured hierarchy

includes a root directory and corresponding sub-directories associated with a media file/

media library.

## Inquiries

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Henry Vuu whose telephone number is (571) 270-1048.

The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.
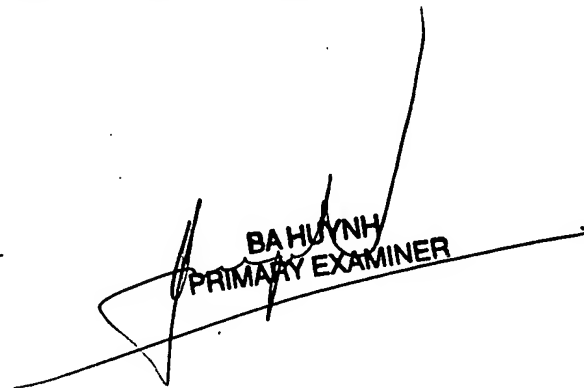
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Henry Vuu

11/6/2006

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PRIMARY EXAMINER